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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/025,515

12/18/2001

William E. Webler

ACS-60271 (2168P)

6307

24201 7590 06/11/2009
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EXAMINER

LEUBECKER, JOHN P

ART UNIT

PAPER NUMBER

3739

MAIL DATE

DELIVERY MODE

06/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/025,515	WEBLER ET AL.
	Examiner	Art Unit
	John P. Leubecker	3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 14 May 2009 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

According to MPEP 1214.06 (II), the Examiner correctly canceled all claims except for claim 35, which was allowed prior to appeal. The application was concurrently allowed and prosecution was otherwise closed. The amendment is being disapproved for the following reasons:

a) A canceled claim can be reinstated ONLY by a subsequent amendment presenting the claim as a new claim with a new claim number. The claim numbers in Applicant's amendment are those of canceled claims.

b) Amendments filed under 37 CFR 1.312 should require no substantial amount of work on the part of the Office. Applicant attempts to insert dependent claims in addition to the two "objected to" claims which were put in independent form. Since the two new independent claims are of slightly different scope, more than a cursory review of any dependent claims would have to be performed. This will not be done since prosecution is closed.

- c) Applicant's remarks do not fully and clearly show:
 - i) why the amendment is needed;
 - ii) why the proposed new claims require no additional search or examination;
 - iii) why the claims are patentable; and
 - iv) why they were not presented earlier.

/John P. Leubecker/
Primary Examiner
Art Unit: 3739